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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/750,302	12/29/2000	Andrew Rouse	23452.127 (Formerly 52817	6724
29315	7590	06/16/2004	EXAMINER	
MINTZ LEVIN COHN FERRIS GLOVSKY AND POPEO PC 12010 SUNSET HILLS ROAD SUITE 900 RESTON, VA 20190			COULTER, KENNETH R	
			ART UNIT	PAPER NUMBER
			2141	
DATE MAILED: 06/16/2004				

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Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	09/750,302	ROUSE ET AL.
	Examiner	Art Unit
	Kenneth R Coulter	2141

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on \_\_\_\_.
- 2a) This action is FINAL.                            2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_ is/are allowed.
- 6) Claim(s) 1-20 is/are rejected.
- 7) Claim(s) \_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All
  - b) Some \*
  - c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 4/30/01;10/1/02.
- 4) Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: IDS 10/28/03;2/20/04;4/28/04.

**DETAILED ACTION**

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

2. Claims 1 – 20 are rejected under 35 U.S.C. 102(e) as being disclosed by Gershman et al. (U.S. Pat. No. 6,199,099 (System, Method and Article of Manufacture for a Mobile Communication Network Utilizing a Distributed Communication Network)).

- 2.1 Regarding claim 1, Gershman discloses a method of customizing the presentation of networkable media, comprising the steps of:

- (a) selecting at least one presentation option for transmissible media content (Abstract; Figs. 21 – 23; col. 36, lines 29 – 36 "agent 2000 that guides a user through the process of interacting with the system to customize and personalize various system components to gather information and interact with the user's personal requirements.");
- (b) receiving the transmissible content via a wireless medium (Abstract; Fig. 17; col. 2, lines 56 – 67 "A wireless phone or similar **hand-held wireless device** with Internet Protocol capability is combined with other peripherals to provide a **portable portal** into the Internet."); and
- (c) presenting the transmissible media content to a user according to the at least one presentation option (Abstract; Figs. 21 – 23; col. 36, lines 41 - 57).

2.2 Per claim 2, Gershman teaches that the selecting of step (a) includes at least one of a home page, a time zone, a date format, a font format, and a language (Fig. 21 "My Home Page"; col. 36, lines 52 – 57 "Various items 2180 of personal information are collected form the user to support various endeavors."); col. 36, lines 51 – 52 "Various profiles can be selected based on where the user is located.").

2.3 Regarding claim 3, Gershman does not explicitly disclose that step (b) comprises communicating at least one of a Bluetooth protocol, a Wireless Application protocol (WAP), a Global System Mobile protocol, and a Wireless Markup Language protocol. Gershman discloses that "other protocols could be readily substituted for HTML without undue experimentation." (col. 9, lines 17 – 19).

It would have been inherent for Gershman to implement the other various protocols above (Bluetooth, WAP, Global System Mobile, Wireless Markup Language), since Gershman discloses that various unspecified protocols could be implemented. In addition, these are commonplace protocols that are often used in wireless communication.

Therefore, this feature does not represent a patentably distinct feature over the prior art.

2.4 Per claim 4, Gershman teaches that the step (c) comprises presenting the transmissible media content via a display screen of a wireless client device (Abstract; Fig. 17; col. 2, lines 56 – 67 “This information is formatted and **displayed on the hand-held device's screen.**”).

2.5 Regarding claim 5, Gershman discloses storing the at least one presentation option in the wireless client device (Abstract “This pattern template is stored on a thin client computer”).

2.6 Per claims 6 – 20, the rejection of claims 1 – 5 under 35 USC 102(e) (paragraphs 2.1 – 2.5 above) applies fully.

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kenneth R Coulter whose telephone number is 703 305-8447. The examiner can normally be reached on 5 4 9.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rupal Dharia can be reached on 703 305-4003. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

krc

KENNETH R. COULTER

PRIMARY EXAMINER

